

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

**REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE SUPPLEMENT TO
MOTION FOR SUMMARY JUDGMENT AND REQUEST FOR ORDER
EXPEDITING PLAINTIFFS' OBJECTION**

LCvR15.1 applies to “amended and supplemental *pleadings*.” (Emphasis added).

Pleadings are defined as:

- (1) a complaint;
- (2) an answer to a complaint;
- (3) an answer to a counterclaim designated as a counterclaim;
- (4) an answer to a crossclaim;
- (5) a third-party complaint;
- (6) an answer to a third-party complaint; and
- (7) if the court orders one, a reply to an answer.

Fed.R.Civ.P. 7(a). “Motions” are not pleadings. *See* Fed.R.Civ.P. 7(b). Thus, LCvR15.1 is inapplicable here. Rahter, LCvR7.1(i) applies, which simply provides that supplemental briefs may only be filed upon motion and leave of court. Additionally, Plaintiff’s counsel did not request a copy of the supplement or any detail with regard to the testimony –

although Plaintiff's counsel did take the deposition and is thus fully aware of that testimony.

CSAA Fire and Casualty Insurance Company believes the testimony, sought by Plaintiff, will assist the Court in its determination. Given the clarity it brings to the issues before the Court, it would be unfortunate to expend unnecessary time and effort preparing for a trial when an answer, whether presented now or at trial, will lead to the same result.

Wherefore, CSAA respectfully requests the Court grant its Motion to Supplement its Motion for Summary Judgment. [Dkt. No. 63].

Respectfully submitted,

s/ Matthew C. Kane

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CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2020, I electronically transmitted the attached document to:

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s/Matthew C. Kane

For the Firm